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APPENDIX V.

[Vide the hon. Mr. S. Muthiah Mudaliyar's speech below item VIII on page 91 supra.]

**Report of the Select Committee on the Bill to amend
the Madras Town-Planning Act, 1920.**

(BILL No. 14 OF 1929)

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

We, the members of the Select Committee appointed to consider the Madras Town-Planning Bill (Bill No. 14 of 1929), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette*, in English on the 17th September 1929 and in Tamil and Telugu on the 29th October 1929.

3. We met on the 7th, 8th and 9th of November and the 16th of December 1929 for the consideration of the Bill and the passing of our report.

4. We have made several amendments to the Bill, but most of them are verbal. The only amendments which call for notice are the following:—

(i) In the proposed sub-section (3) of section 14 which is sought to be inserted in the place of the existing sub-section (3) of section 14, we have considered it necessary to provide that the Local Government shall not, without the consent of the municipal council, sanction modifications to a scheme which are not merely verbal or of no consequence.

(ii) In clause 23, an appeal is provided from the decision of an arbitrator to the Local Government. In view of the fact that the proceedings before an arbitrator

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are of a judicial character we have, on the analogy of an appeal to the district judge against the decisions of an arbitrator under the Land Acquisition Act, provided that the appeal shall lie not to the Local Government but to the district judge concerned outside the City of Madras and to the Chief Judge of the Court of Small Causes in the City of Madras.

(iii) The Bill provided that the number of persons not being members of the local authority or local authorities concerned who may be appointed to town-planning committees or joint town-planning committees, shall not exceed, "except with the sanction of the Local Government", one-third of the total number of members of such committees or joint committees. We are of opinion that in no case should the number of members exceed one-third, and so have omitted the words "except with the sanction of the Local Government".

5. This Bill as introduced contained a provision that a scheme may provide that a person guilty of a breach or neglect of a specified provision therein would be liable on conviction to a fine, but contained no provision making such a breach or neglect an offence. We have introduced a provision remedying the defect.

6. With regard to the functions of a municipal council and a responsible authority in respect of a town-planning scheme we have introduced amendments which make it clear that the municipal council will be in charge of a scheme until it has been finally formulated and published, and that after its publication the responsible authority will be in charge of its execution and carrying out.

7. We have also introduced a provision enabling the Local Government to make rules for the financing of a responsible authority with a view to enable such authority to perform the functions entrusted to it or him in respect of the execution of the scheme.

8. We have also provided that the rules made under this Act shall be subject to the previous approval, with or without modification, of the Legislative Council and that they shall come into effect in the form in which they have been so approved.

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9. We consider that the changes we have effected are not important and therefore there is no necessity for republication of the Bill.

A. RANGANATHAM

(Chairman).

S. MUTHIAH.

G. R. PREMAYYA.

C. RAMASOMAYAJULU.

C. OBI REDDI.

A. PARASURAMA RAO.

C. NATESAN.

C. S. GOVINDARAJA MUDALIYAR.

T. K. CHIDAMBARANATHA MUDALIYAR.

S. N. DORAI RAJA.

P. KHALIFULLA.

C. GOVINDAN NAIR.

R. DANN.

R. J. C. ROBERTSON.

C. GOPALA MENON.

BILL No. 14 OF 1929.

A Bill to amend the Madras Town-Planning Act VII of 1920.

(As amended by the Select Committee.)

Madras Act
VII of 1920.

WHEREAS it is expedient to amend the Madras Town-Planning Act, 1920, for the purposes hereinafter appearing; And Whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras Town-Planning (Amendment) Act, 1929. Preamble.

Madras Act
VII of 1920.

2. In section 2 of the Madras Town-Planning Act, 1920 (hereinafter referred to as the said Act), clause (8) shall be re-numbered as clause (9) and the following shall be inserted as clauses (8) and (10), namely:—

Amendment
of section 2,
Madras Act
VII of 1920.

“(8) Responsible authority” means “the authority or person, who is specified in a scheme as responsible for carrying out or enforcing the observance of

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all or any of the provisions of the scheme or for enforcing the execution of any works which under the scheme are to be executed by any authority, owner, or other person."

"(10) 'Town-planning' includes town-improvement."

Repeal of
section 3,
Madras Act
VII of 1920.

Amendment
of section 4,
Madras Act
VII of 1920.

3. Section 3 of the said Act shall be omitted.

4. In section 4 of the said Act—

(i) for clause (a) the following clause shall be substituted namely—

"(a) the laying out or relaying out of land either vacant or already built upon as building sites or for any of the purposes mentioned in **this section** ;"

(ii) in clause (c), for the word 'and' occurring after the word 'removal' the word 'or' shall be substituted ;

(iii) in clause (d), after the word 'land' the words '**or other immoveable property**' shall be inserted and the words 'for building purposes' shall be omitted ;

(iv) in clauses (k) and (l), the words 'for the poorer and working classes' shall be omitted ;

(v) in clause (o), after the word 'suspension' the words 'restriction or modification' shall be inserted and for the figures '1884' the figures '1920' shall be substituted ;

(vi) in clause (p), before the word 'modification' the words 'suspension, restriction or' shall be inserted ; and

(vii) clause (q) shall be re-lettered (r) ; and the following shall be inserted as clause (q), namely :—

"(q) the advance to the owners of land or buildings comprised within the scheme, upon such terms and conditions as may be provided by the scheme, of the whole or part of the **amount required** for the erection of buildings or for the carrying out of **the works, alterations or improvements** in accordance with the scheme."

Amendment
of section 5,
Madras Act
VII of 1920.

Repeal of
section 6,
Madras Act
VII of 1920.

5. In sub section (1) of section 5 of the said Act, the words 'In the scheme' shall be omitted.

6. Section 6 of the said Act shall be omitted.

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7. For section 8 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 8, Madras Act VII of 1920.

“8. (1) Every municipal council constituted prior to the **1st day of April 1930**, shall, not later than the 31st day of March 1934 and every municipal council constituted after the 1st day of April 1930 shall, not later than four years from the date of the constitution of such Council prepare, publish and submit for the sanction of the Local Government a general town-planning scheme in respect of all land within the municipality and in its vicinity unless the Local Government order otherwise.

Obligation on certain councils to make schemes not later than the 31st March 1934.

(2) Notwithstanding anything contained in sub-section (1), the Local Government may after making such enquiry as they may deem necessary by notification in the **Fort St. George Gazette**, direct any municipal council to prepare, publish and submit for their sanction before an appointed date a general town-planning scheme under this section for an area specified in such notification.

(3) A general town-planning scheme shall determine the lines on which the improvement and development of the area within the municipality and in its vicinity shall proceed and shall provide for such of the matters referred to in section 4 and to such extent as may be prescribed.”

8. In section 9 of the said Act—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment of section 9, Madras Act VII of 1920.

“(1) A municipal council may by resolution decide to prepare a scheme in respect of any land within the municipal area or in its vicinity outside such area, or to adopt with or without modifications a draft scheme proposed by all or any of the owners of any such land. The chairman shall then have a plan prepared showing the land proposed to be included in the scheme, the surrounding lands and any existing streets”, and

(ii) in the proviso to sub-section (2) after the word ‘Provided’ the word ‘further’ shall be inserted and before the same proviso the following proviso shall be inserted, namely :—

“Provided that if the municipal council or district board concerned omits for **four** months from the

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date of receipt of the communication requesting such concurrence to send a final reply thereto, such concurrence shall be deemed to have been given: ”

Amendment
of section 10,
Madras Act
VII of 1920.

9. Sub-section (1) of section 10 of the said Act shall be re-numbered as section 10 and sub-sections (2) and (3) shall be omitted.

Amendment
of section 11,
Madras Act
VII of 1920.

10. In section 11 of the said Act,—

(i) in sub-section (1), the words, figure and brackets ‘ sub-section (3) ’ and the word ‘ print ’ shall be omitted ; and

(ii) in sub-section (2), the words ‘ print and ’ shall be omitted.

Amendment
of section 12,
Madras Act
VII of 1920.

11. In section 12 of the said Act,—

(i) for the words and figures ‘ sections 8 to 11 ’ the words and figures ‘ sections 9 to 11 ’ shall be substituted ; and

(ii) for the words ‘ to prepare, print and submit for their sanction a scheme ’ the words ‘ to prepare, publish and submit for their sanction a draft scheme ’ shall be substituted.

Amendment
of section 13,
Madras Act
VII of 1920.

12. (1) Section 13 of the said Act shall be re-numbered as sub-section (1) of section 13 and in that sub-section as re-numbered—

(a) for clause (d), the following clause shall be substituted, namely:—

“(d) a full description of all details of the scheme under such clauses of section 4 as may be applicable.”

(b) clause (e) shall be omitted.

(c) in clause (f) the word ‘ net ’ shall be omitted ; and

(d) for clause (g) the following clause shall be substituted, namely:—

“(g) regulations for enforcing or carrying out the provisions of the scheme; and defining the responsible authority and the period for which such responsible authority shall function.

(2) To the same section, the following sub-sections shall be added, namely:—

“(2) Every draft scheme which includes a housing scheme shall also contain the following particulars, namely:—

(i) the approximate number and the nature of the houses to be provided by the ‘ responsible authority ’;

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(ii) the approximate quantity of land to be acquired and the localities in which land is acquired ;
 (iii) the average number of houses per acre ; and
 (iv) all matters incidental to the housing scheme.

(3) A draft scheme may provide that any person who commits or knowingly permits a breach of any specified provision of the scheme or who neglects or fails to comply with any such provision shall, on conviction, be punishable under section 44-B."

13. In section 14 of the said Act—

(i) at the end of sub-section (2) the words " and the fact of such submission shall be published in the prescribed manner " shall be added ;

(ii) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) The Local Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit, sanction the scheme with or without modifications, or may refuse to sanction the scheme or may return the scheme to the council for reconsideration :

Provided that **unless a modification is**, in the opinion of the Local Government, **verbal or inconsequential**, the Local Government shall not sanction the scheme with such modification without the consent of the council :

Provided further that when a scheme is returned to the council for reconsideration, the council shall **re-submit** it to the Local Government within three months from the date of its receipt and the Local Government **may** then deal with the scheme in the manner mentioned in this sub-section :

Provided further that if the council fails to **re-submit** the scheme within the time specified in the foregoing proviso, the Local Government may, in relation to the scheme, pass such orders as they **may** deem fit," and

(iii) sub-section (5) shall be omitted, sub-section (4) shall be re-numbered (5) and the following shall be inserted as sub-sections (4) and (6), namely :—

"(4) When a scheme returned for reconsideration is modified by the council, the scheme as so modified shall, before **re**submission to the Local Government for sanction, be published and passed by the council in the same manner as a draft scheme,

Amendment
of section 14,
Madras Act
VII of 1920.

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(a) in cases in which the modification involves the inclusion **in** or exclusion **from** the scheme **of any land** or the acquisition of any land not originally proposed to be acquired, and

(b) in every other case in which the modification is, in the opinion of the council or of the Local Government, of sufficient importance to require the following of this procedure.

(6) A notification published under sub-section (5) shall be conclusive evidence that the scheme has been duly made and sanctioned. The scheme shall have effect from the date of publication of such notification, and the execution of the scheme shall be commenced forthwith:

Provided that, where the scheme so provides, the execution of the scheme or any part thereof may be deferred until such time as may be fixed in the scheme."

Substitution
of new section
for section 15,
Madras Act
VII of 1920.

Variation or
revocation of
schemes.

14. For section 15 of the said Act, the following section shall be substituted, namely:—

"15. (1) A town-planning scheme sanctioned under section 14 may at any time be varied or revoked by a subsequent scheme, published and sanctioned in accordance with this Act.

Provided that the municipal council shall be competent to modify a scheme after it has been sanctioned by the Local Government under section 14 by an agreement entered into with the persons interested in the scheme and with the concurrence of the Local Government.

(2) (a) The Local Government may, at any time, by notification in the *Fort St. George Gazette*, vary or revoke a scheme sanctioned under section 14:

(b) Before issuing such notification the Local Government shall publish in the prescribed manner a draft of such notification together with a notice specifying a date on or after which such draft will be taken into consideration and shall consider any objection or suggestion which may be **received** in respect of such draft **from** the council or any person affected **by** the scheme before the date so specified."

Amendment
of section 17,
Madras Act
VII of 1920.

15. In section 17 of the said Act—

(i) the word, figure and brackets 'sub-section (1)' shall be omitted;

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(ii) for the words 'and obtained permission from the municipal council to do so' the words 'and obtained permission, in cases where a scheme has not been sanctioned, from the municipal council, and in other cases, from a responsible authority' shall be substituted; and

(iii) in the proviso after the word 'council' the words 'or the responsible authority' shall be inserted.

16. In section 19 of the said Act—

(i) for the word 'chairman' wherever it occurs in the section, the words 'responsible authority' shall be substituted; and

(ii) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) If the owner fails to show cause to the satisfaction of the responsible authority, the responsible authority may confirm the order granting such further period to execute the work and such order shall be communicated to and be binding on the owner and may be enforced. The expenses of enforcement may be recovered in the prescribed manner. An appeal shall lie to the Local Government against the order of the responsible authority and their decision shall be final."

17. In section 20 of the said Act, the words 'of the municipal council' shall be omitted.

18. In section 21 of the said Act, the word, figure and brackets 'sub-section (1)', shall be omitted.

19. After section 22 of the said Act, the following section shall be inserted, namely:—

"22-A. (1) The municipal council may, within three months from the date of an award of compensation in respect of property injuriously affected, make an application to the Local Government to sanction the withdrawal or modification of all or any of the provisions of the scheme which gave rise to the claim for compensation and give notice of such application to the owner of such property.

(2) If the Local Government accord such sanction, the award of compensation shall stand cancelled, and the

Amendment
of section 19,
Madras Act
VII of 1920.

Amend-
ment of
section 20,
Madras
Act VII
of 1920.

Amendment
of section 21,
Madras Act
VII of 1920.

Insertion of
new section
22-A in
Madras Act
VII of 1920.

Application
for sanction
for with-
drawal or
modification
of the scheme.

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municipal council shall pay the costs, if any, awarded by the arbitrator in connexion with the claim for compensation.

(3) Nothing contained in this section shall affect the right of the owner to make a fresh claim for compensation in respect of the modified scheme sanctioned by the Local Government under sub-section (2).

(4) No award of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or, if notice has been given under sub-section (1), pending the orders of the Local Government on the application made under the same sub-section."

Amendment
of section 23,
Madras Act
VII of 1920.

20. In section 23 of the said Act, for the words 'any property is increased in value' the words 'the value of any property has increased or is likely to increase,' and for the words 'not being later than six months' the words 'not being less than three months' shall be substituted.

Amendment
of section 24,
Madras Act
VII of 1920.

21. In section 24 of the said Act—

(i) in clause (a) the word, figure and brackets 'sub-section (1)' shall be omitted; and

(ii) in clause (b) for the word, figure and brackets 'sub-section (5)' the word, figure and brackets 'sub-section (6)' shall be substituted.

Substitution
of new section
for section 27,
Madras Act
VII of 1920.

22. For section 27 of the said Act, the following section shall be substituted, namely:—

Local
Government
to appoint
arbitrator.

" 27. (1) After a scheme has been sanctioned the Local Government may and if so required by the council or any person interested in the scheme shall appoint an arbitrator with sufficient establishment to discharge all or any of the following duties:—

(a) to pass such orders as may be required under clause (a) to (d) of sub-section (2) of section 5;

(b) to define, and, where necessary, to demarcate or cause the demarcation of, the reconstituted plots or the areas allotted to, or reserved for, the purposes mentioned in clause (k) of section 4;

(c) to decide, in reference to the claims made, whether any property is injuriously affected within the meaning of section 20, and award the compensation, if any, to be paid to the owner concerned in accordance with the provisions contained in chapter IV; and

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(d) to determine, in reference to the claims made, the properties which are liable to the betterment contribution under section 23 and estimate and record their market value at the date of the notification under section 10 or section 12, as the case may be, in accordance with the provisions of clause (a) of section 24.

(2) The decisions of the arbitrator under clauses (a) and (b) of sub-section (1) shall be read as part of the scheme sanctioned under section 14 and shall be final and binding on all persons:

Provided that where any such decision is in conflict with any provision in the scheme it shall require the approval of the Local Government and, on such approval being given, shall be deemed, to the extent mentioned in such decision, to have varied the sanctioned scheme."

23. For section 28 of the said Act, the following section shall be substituted, namely:—

Substitution
of new section
for section 28,
Madras Act
VII of 1920.

"28. (1) The arbitrator shall give notice of his proceedings and conduct them in the prescribed manner and communicate his decision to the parties concerned.

Powers and
duties of
arbitrator.

(2) An arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid."

24. For section 29 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 29,
Madras Act
VII of 1920.

"29. (1) Any party aggrieved by any decision of the arbitrator under clause (c) or clause (d) of sub-section (1) of section 27 may within three months from the date of the communication of such decision appeal to the

Appeal.

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District Judge concerned in cases arising outside the City of Madras and to the Chief Judge of the Court of Small Causes in cases arising in the City of Madras.

(2) The decision of the arbitrator under clause (c) or clause (d) of sub-section (1) of section 27 and, when an appeal has been preferred under sub-section (1), the decision on such appeal shall be read as part of the scheme sanctioned under section 14 and shall be final and binding on all persons."

Amendment
of section 35,
Madras Act
VII of 1920.

25. In section 35 of the said Act,—

(i) in clause (a) of sub-section (2) and in clause (d) of sub-section (3) the word, figure and brackets 'sub-section (1)' shall be omitted; and

(ii) in clause (f) of sub-section (3) the words 'from the municipal council' shall be omitted.

Amendment
of section 37,
Madras Act
VII of 1920.

26. In section 37 of the said Act, for the words 'in relation to the scheme in question' the words 'in relation to a particular scheme or to town-planning in general' shall be substituted.

Substitution
of new
section for
section 38,
Madras Act
VII of 1920.

27. For section 38 of the said Act, the following section shall be substituted, namely:—

Joint town-
planning
committee.

" 38. (1) Subject to such rules as the Local Government may make on this behalf, a municipal council may, and if so required by the Local Government shall, join with one or more than one other local authority, in constituting a joint town-planning committee for the making of a joint town-planning scheme or for any purpose connected with town-planning in which they are jointly interested or for which they are jointly responsible.

(2) A joint town-planning committee may include persons who are not members of the local authorities concerned but who possess in their opinion special qualifications or represent institutions or corporations interested in the work of the committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) (i) The Local Government may make rule to carry out the purposes of sub-section (1).

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(ii) In particular and without prejudice to the generality of the foregoing power the Local Government may make rules to provide for—

(a) the total number of members of the joint committee ;

(b) the number of **such members** who shall be members of the local authorities concerned and the number of **such members** who may be outsiders ;

(c) the **qualifications** of persons who shall be members of the joint committee or the manner in which they shall be appointed or elected ;

(d) the **qualifications of the** person who shall be the chairman of the joint committee or the manner in which he shall be elected or appointed ;

(e) the term of office of members and chairman ;

(f) the manner in which the committee shall be put in funds and shall account therefor ; and

(g) the procedure of **the** committee.

(4) Rules made under sub-section (1) or (3) may be varied or revoked provided all the local authorities concerned assent to such variation or revocation.

(5) If any difference of opinion arise between local authorities under any of the foregoing provisions of this section, it shall be referred to the Local Government whose decision shall be final.

(6) If the Local Government take action under sub-section (1) they may issue such directions as they **may** think necessary or desirable in respect of all or any of the matters referred to in sub-section (3).

(7) When a joint town-planning committee has been constituted, such committee shall exercise the powers and perform the duties of the municipal council and its chairman the powers and duties of a chairman under this Act.

(8) Any joint town-planning scheme made by a joint committee may provide for the execution of the scheme or any part thereof jointly **by all or two or more of the local authorities concerned** or specify the parts of the scheme to be executed at the expense of the several local authorities in their respective areas and the said specified parts of the scheme shall after the publication of the notification under section 14 have effect in the areas to which they relate as separate scheme."

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28. In sections 39 and 40 of the said Act, for the figures "1884", the figures "1920" shall be substituted.

Amendment of section 42, Madras Act VII of 1920.

29. In sub-section (2) of section 42 of the said Act, after the words "the municipal council" the words "or the responsible authority as the case may be", after the words "a municipal council" the words "or a responsible authority" and after the word "council" wherever it occurs the words "or the responsible authority" shall be inserted.

Amendment of section 43, Madras Act VII of 1920.

30. In section 43 of the said Act, after the words "municipal authorities" wherever they occur, the words "or the responsible authority" shall be inserted.

Amendment of section 44, Madras Act VII of 1920.

31. In section 44 of the said Act,—

(i) in sub-section (2)—

(a) in clause (a), the words, figures and brackets "sub-sections (1) and (3)" shall be omitted,

(b) in clause (b), for the word, letter and brackets "clause (q)" the word, letter and brackets "clause (r)" shall be substituted, and after the word and figures "section 13" the word, figure and brackets "sub-section (1)" shall be inserted,

(c) clause (h) shall be omitted.

(d) in clause (k) after the words "municipal council" the words "and responsible authority" shall be inserted;

(e) in clause (1) the words "in the place of a council" shall be omitted and for the words "on the part of the latter" the words "on the part of the municipal council or the responsible authority" shall be substituted;

(f) in clause (o) after the words "municipal councils" the words "and responsible authorities" shall be inserted; and

(g) after clause (t) the following clauses shall be inserted, namely:—

"(u) the funds which shall be transferred by the municipal council to the responsible authority, the administration of such funds, the accounts to be kept in respect thereof and their audit;

"(v) matters other than those referred to in the foregoing clauses which are expressly required or allowed by this Act to be prescribed;" and

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(ii) for sub-section (3) the following sub-section shall be substituted, namely:—

“(3) In making any rule, the Local Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.”

32. After section 44 of the said Act, the following sections shall be inserted, namely:—

Insertion
of sections
44-A and
44-B in
Madras
Act VII of
1920.

“44-A. (1) The power to make rules under sections 38, 44 and 54 shall be subject to the condition of previous publication.

Previous
publica-
tion and
approval
of the
rules by
the local
legisla-
ture.

(2) A draft of the rules proposed to be made under this section shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council approves the draft either without modification or addition or with modifications or additions; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be notified in the Gazette and shall thereafter be of full force and effect.

44-B. (1) Where a scheme sanctioned under this Act has provided that any person who commits or knowingly permits a breach of any specified provision of the scheme or who neglects or fails to comply with any such provision shall be punishable under this section, the responsible authority shall send to any person who commits or knowingly permits a breach of any such provision of the scheme or neglects or fails to comply with any such provision, a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the scheme.

Penalty
for breach
of the
provisions
of the
scheme.

(2) If after the expiry of one month from the date of receipt of the notice by such person under sub-section (1) the breach or neglect or failure continues, such person shall, on conviction, be punishable

(i) with fine which may extend to one hundred rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with fine which may extend to fifteen rupees for every day during which the breach, neglect or failure continues after such conviction.”

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Insertion of
new section
50 A in
Madras Act
VII of 1920.

Payment to
trust by
municipal
councils.

Amend-
ment of
section 54,
Madras
Act VII of
1920.

Insertion of
new section
55 in Madras
Act VII of
1920.

Transfer of
proceedings
from one
authority to
another.

33. After section 50 of the said Act, the following section shall be inserted, namely :—

“ 50-A. The municipal council in whose area a trust operates shall pay annually to the trust such amount as may be agreed on between them or as may be fixed by the Local Government.”

34. In sub-section (1) of section 54 of the said Act, the words “subject to the condition of previous publication” shall be omitted.

35. After section 54 of the said Act, the following chapter shall be inserted, namely :—

CHAPTER X.

TRANSFER OF PROCEEDINGS.

55. (1) The Local Government may, by notification and from a date to be specified in such notification, transfer the proceedings commenced under this Act in respect of any land by any authority having jurisdiction to any other authority having jurisdiction over such land.

(2) Before issuing a notification under sub-section (1) the Local Government shall communicate to the authorities affected the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objections, if any.

(3) The authority to whom a transfer of proceedings is made under sub-section (1) may continue such proceedings from the stage which they had reached on the date specified in the notification.

(4) When making a transfer of proceedings under sub-section (1), the Local Government may direct the authority to whom the transfer is made to reimburse the authority from whom the transfer is made the net expenditure which the last mentioned authority may, up to the date of such transfer, have incurred on such proceedings.

(5) From the date specified in the notification under sub-section (1) all rights and assets which, for the purposes of the proceedings transferred by such notification, are vested in, and all obligations and liabilities which for the same purposes are enforceable against the authority from whom the transfer is made, shall vest in or be enforceable against the authority to whom the transfer is made.”